

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

MAR 19 2008

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

United States of America

Johnny McGuire Hammack^{v.}

Date of Previous Judgment: December 8, 1998
(Use Date of Last Amended Judgment if Applicable)

) Case No: 4:97CR30010-001

) USM No: 34268-083

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 132 months is reduced to (see comments).

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35

Amended Offense Level: 33

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 168 to 210 months

Amended Guideline Range: 135 to 168 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

III. ADDITIONAL COMMENTS

Amended Sentence: 106 months OR time served, whichever is longer.

Except as provided above, all provisions of the judgment dated 12/8/1998 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3/19/08

Effective Date: 3/13/08 3/29/08
(if different from order date)

[Signature]
Judge's signature

Jackson L. Kiser, Senior United States District Judge
Printed name and title